

AFFIDAVIT

OCT 06 2022

I, Harold B. Kelly, III, being first duly sworn, hereby depose and state as follows: Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

INTRODUCTION AND AGENT BACKGROUND

1. This affiant is currently investigating Timothy J. FRADY (DOB 05/12/1995) (hereinafter FRADY) for violations of federal laws, specifically: 36 CFR 4.23(a)(1) (under the influence of alcohol, or a drug, or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation) and TCA 55-10-205(a) (any person who drives any vehicle in willful or wanton disregard for the safety of persons or property commits reckless driving) (adopted under 36 CFR 4.2(b)).

2. The statements contained in this Affidavit are based on this affiant's investigation and observations.

3. I am a law Enforcement Field Ranger with the United States Department of the Interior, National Park Service, presently assigned to the Great Smoky Mountains National Park (GSMNP). I have been employed as a federal law enforcement officer Since 2008. In my law enforcement career, I graduated from the Land Management Police Training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, which was a nineteen-week police academy. During my training programs, I studied various aspects of investigating and enforcing federal criminal laws. Throughout my career, I have investigated hundreds of criminal violations involving federal and state laws. I have been the lead case agent on investigations involving property crimes, violent and sexual assault crimes, narcotics trafficking and homicide. During this period of service, I have received formal training and investigative experience in general

criminal statute enforcement, sexual assaults, death investigation, and traffic crash investigation.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested search warrant and does not set forth all my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 36 Code of Federal Regulation Section 4.23(a)(1) and Tennessee Code Annotated Section 55-10-205(a) (adopted under 36 CFR 4.2(b)) have been committed by FRADY. There is also probable cause to seize and search FRADY's blood samples, which likely contain evidence of these crimes.

PROBABLE CAUSE

6. On the night of September 9, 2022, first responders were dispatched to a single-vehicle motorcycle accident on U.S. Highway 441 North (The Spur) near the Husky Grove Road intersection in Sevier County. The area is within the Eastern District of Tennessee and the boundaries of the Great Smoky Mountains National Park. After arriving at the scene, emergency medical personnel (EMS) transported FRADY, the driver of the motorcycle, and his passenger to the University of Tennessee Medical Center (UTMC) to treat their injuries. The motorcycle passenger was placed in the Trauma Intensive Care Unit after sustaining traumatic bodily injuries during the crash but recently passed away due to her injuries.

7. On September 9, 2022, during their initial investigation, law enforcement officers from the National Park Service could smell the distinct odor of a metabolized alcoholic beverage coming from FRADY's breath while they were on the scene.

8. On September 9, 2022, Emergency Medical Technician (EMT) certified Law Enforcement Ranger Holly Bates spoke with FRADY while treating his injuries. FRADY would not state whether he had, or had not, consumed alcoholic beverages prior to the accident. FRADY further refused to respond when asked where he was coming from when the accident occurred.

9. On September 9, 2022, Law Enforcement Rangers spoke to witnesses who observed FRADY operate his motorcycle in a reckless manner leading up to the crash. The witnesses reported that the motorcycle abruptly switched lanes multiple times and passed other vehicles while driving at “full throttle.”

10. On September 10, 2022, this Affiant measured the skid marks at the scene of the motor vehicle collision, which measured 273 feet leading up to the initial point of impact and an additional 69 feet thereafter. Based on this Affiant’s training and experience, and the information gathered from the witnesses, FRADY was driving at a high rate of speed when the accident occurred.

11. On September 13, 2022, Ranger Holly Bates was informed by the UTMC that the center had collected blood samples from FRADY as part of his treatment in the emergency room from the night of the crash. Pursuant to a subsequent conversation with UTMC staff, the blood samples taken from FRADY were not tested for the presence of alcohol or controlled substances.

12. This Affiant knows through training and experience as a criminal investigator and from conversations with emergency medical practitioners that, as part of the medical treatment protocol for trauma patients, emergency care providers collect a sample of blood from patients for the purpose of exposing the sample to a series of laboratory tests to determine if the patient has recently ingested, or has remaining in his/her body, certain chemicals or substances to

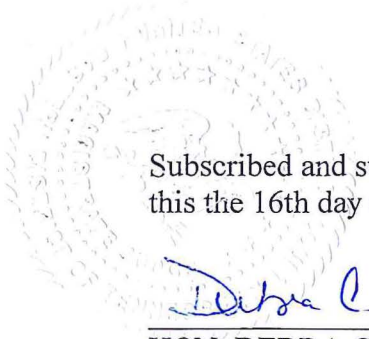
include ethyl alcohol, cannabis, opiates, and other narcotic and non-narcotic substances. This Affiant also knows that blood samples collected by medical personnel can be submitted to a forensic laboratory such as the one operated by the Tennessee Bureau of Investigation for analysis to determine the presence of intoxicants.

13. Based upon the statements above, there is probable cause to believe that alcohol and/or drugs was a factor in the collision that FRADY caused. Failing to operate a motor vehicle safely while having an elevated blood alcohol content is a violation of 36 CFR 4.23(a)(1). The affiant respectfully asks that a search warrant be issued for the collection of two remaining blood samples that were taken from FRADY during the late evening of September 9, 2022, or early morning September 10, 2022, at the University of Tennessee Medical Center.

FURTHER AFFIANT SAYETH NAUGHT.



Harold B. Kelly, III
United States Park Ranger
National Park Service



Subscribed and sworn to before me
this the 16th day of September, 2022.



HON. DEBRA C. POPLIN
UNITED STATES MAGISTRATE JUDGE